

Filed: November 1, 2023

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

BRIEFING ORDER - CIVIL/AGENCY

No. 23-2085, Joshua McCoy v. ATF
3:22-cv-00410-REP

Briefing shall proceed on the following schedule:

JOINT APPENDIX due: 12/11/2023

BRIEF [Opening] due: 12/11/2023

BRIEF [Response] due: 01/10/2024

BRIEF [Reply] (if any) due: Within 21 days of service of response brief.

The following rules apply under this schedule:

- Filings must conform to the [Fourth Circuit Brief & Appendix Requirements](#) as to content, format, and copies. The Requirements are available as a link from this order and at www.ca4.uscourts.gov. FRAP 28, 30 & 32.
- The joint appendix must be paginated using Bates page numbering and the JA or J.A. format required by the [Fourth Circuit Appendix Pagination & Brief Citation Guide](#). Appendix citations in the parties' briefs must use the same format. Local Rules 28(g) & 30(b)(4).
- All parties to a side must join in a single brief, even in consolidated cases, unless the court has granted a motion for leave to file separate briefs. Local Rules 28(a) & 28(d).
- Motions for extension of time should be filed only in extraordinary circumstances upon a showing of good cause. Local Rule 31(c).
- If a brief is filed in advance of its due date, the filer may request a

corresponding advancement of the due date for the next brief by filing a motion to amend the briefing schedule.

- If a brief is filed after its due date, the time for filing subsequent briefs will be extended by the number of days the brief was late.
- Failure to file an opening brief within the scheduled time may lead to dismissal of the case and imposition of sanctions against counsel. Local Rules 45 & 46(g).
- Failure to file a response brief may result in loss of the right to be heard at argument. FRAP 31(c).
- If a case has not been scheduled for a mediation conference, but counsel believes such a conference would be beneficial, counsel should contact the Office of the Circuit Mediator directly at 843-731-9099, and a mediation conference will be scheduled. In such a case, the reason for scheduling the conference will be kept confidential. Local Rule 33.
- The court may, on its own initiative and without prior notice, screen an appeal for decision on the parties' briefs without oral argument. Local Rule 34(a).
- If a case is to be scheduled for argument, counsel will receive prior notice from the court.

/s/ NWAMAKA ANOWI, CLERK

By: Emily Borneisen, Deputy Clerk